

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOHN R. MATHENY, CHRISTOPHER WHITE,  
DAVID R. ANDERSON AND ARN J. SCHAEFFER

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Appeal No. 95-2882  
Application 07/996,775<sup>1</sup>

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ON BRIEF

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Before HAIRSTON, JERRY SMITH, and TORCZON, Administrative  
Patent Judges.

HAIRSTON, Administrative Patent Judge.

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<sup>1</sup> Application for patent filed December 20, 1992.

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DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 26.

The disclosed invention relates to a menu based system and method that includes a command object associated with a menu item for managing the processing of menu items.

Claims 1 and 14 are illustrative of the claimed invention, and they read as follows:

1. A menu based system reflecting a plurality of menu item's current status in a consistent manner, comprising:

(a) memory means for encapsulating a command object with status information and logic for determining at least one menu item's state;

(b) object processing means for creating at least one menu item from a data structure in the command object;

(c) object processing means for initializing the at least one menu item by updating the status information determinative of at least one menu item's state; and

(d) object processing means for determining a system's status and updating the at least one menu item's status information in the command object when the at least one menu item is selected from a menu.

14. A method for enabling a menu based framework, including a command object, reflecting a plurality of menu item's current status in a consistent manner, comprising the steps of:

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- (a) encapsulating status information and logic in the command object for determining at least one menu item's state;
- (b) creating at least one menu item from a data structure in the command object;
- (c) initializing the at least one menu item by updating the status information in the command object determinative of at least one menu item's state; and
- (d) determining a system's status and updating the at least one menu item's status information in the command object when the at least one menu item is selected from a menu.

The references relied on by the examiner are:

Franz, Object-Oriented Programming Featuring Actor, Chapters 1, 2 and 19 through 22 (Glenview, ILL, Scott, Foresman and Company, 1990).

Khoshafian et al. (Khoshafian), Intelligent Offices Object-Oriented Multi-Media Information Management in Client/Server Architectures, pp. 235-304 (New York, John Wiley & Sons, Inc., 1992).

Claims 1 through 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Khoshafian in view of Franz.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

#### OPINION

The obviousness rejection of claims 1 through 26 is reversed because we are not convinced by the examiner's reasoning (Answer, pages 3 through 18) that the claimed

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invention is unpatentable over the object-oriented and menu-based teachings of Khoshafian and Franz.

Khoshafian discloses object-oriented systems (pages 238 and 239) in which "[t]he object representing the end user information encapsulates the data as well as the procedure required to modify it" (page 239). Khoshafian recognizes that a menu bar displays a list of selectable commands (page 237), and that items can be removed or appended to them to dynamically create new menus (page 270).

Franz discloses object-oriented programming (page 3), and the differences between an object-oriented language and a procedural language (page 4). In object-oriented programming, "a class' methods completely enclose, or **encapsulate**, the data of objects of the class for which they are defined" (page 9). Of course, "menu-handling" is involved in object-oriented programming (page 12). Franz discusses the "creation of menus with one item each across the top of the menu bar" (page 284). "If you want to create menus that have multiple choices for each item, like Actor uses, you need to make a 'pop-up menu'" (page 284). In addition to menu creation, Franz teaches that menu items can be enabled and disabled (pages 285 and 286), and updated (pages 286 and 287).

Although Khoshafian and Franz disclose menu creation and

editing in an object-oriented programming environment (i.e., bits and pieces of the claimed invention), we agree with appellants' conclusion (Brief, page 46) that "[i]ndependent claims 1<sup>2</sup> and 14 both recite an object-oriented menuing system including a command object with status information and logic for creating a menu item and updating the menu item's state in response to the system status when the item is selected," and that "[t]he cited references do not teach or suggest the claimed invention." In summary, the obviousness rejection is reversed.

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<sup>2</sup>Appellants argue (Brief, pages 43 through 46) that their means-plus-function claims should be interpreted in accordance with In re Donaldson Co., 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994).

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DECISION

The decision of the examiner rejecting claims 1 through  
26 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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RICHARD TORCZON	)	
Administrative Patent Judge	)	

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